



United States
Department of
Agriculture

Forest
Service

Alaska Region
Tongass National Forest
Ketchikan-Misty Fiords
Ranger District

3031 Tongass Avenue
Ketchikan, AK 99901-5743
Phone: (907) 225-2148
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File Code: 2720

Date: January 28, 2013

Interested Guides,

The Ketchikan-Misty Fiords Ranger District (KMRD) is now accepting applications from qualified outfitters and guides to provide commercial wildlife viewing services at the Margaret Creek Wildlife Observation Site near Ketchikan, AK. Commercial wildlife viewing use will be allocated for the 2014-2018 operating seasons through this competitive application process, known as a prospectus.

Applications for this prospectus must be received at the KMRD office by 4:30pm on March 29th, 2013. Send application material to:

Jeffrey DeFreest, District Ranger
Margaret Creek Prospectus Proposal
Ketchikan-Misty Fiords Ranger District
3031 Tongass Ave.
Ketchikan, AK 99901

Please ensure that you read the prospectus thoroughly and respond to all requirements. Late or incomplete applications will not be accepted.

Processing of applications is subject to cost recovery under 36 CFR 251.58. Upon completion of the application period, all applicants will be charged a processing fee per service day requested based proportionally to the total number of service days requested. The minimum processing fee is \$100.

If you have questions or comments, please contact Reid Parker at (907) 228-4108 or rparker@fs.fed.us. I appreciate your interest and look forward to seeing your proposal.

Sincerely,



JEFFREY DEFREEST
District Ranger



U. S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

TONGASS NATIONAL FOREST

KETCHIKAN – MISTY FIORDS RANGER DISTRICT
PROSPECTUS

AN INVITATION TO PROVIDE
OUTFITTED/GUIDED SERVICES
AT THE MARGARET CREEK
WILDLIFE OBSERVATION SITE

January 28, 2013

Sealed applications will be accepted by:

District Ranger
Ketchikan-Misty Fiords Ranger District
3031 Tongass Avenue
Ketchikan, Alaska, 99901
until 4:30 p.m., Alaska Daylight Time,
March 29, 2013



For information contact:
Reid Parker, Special Uses, at (907) 228-4108 or rparker@fs.fed.us,

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I. INTRODUCTION

The Tongass National Forest, Ketchikan-Misty Fiords Ranger District (KMRD), is requesting proposals from interested parties to provide commercial outfitter and guide services at Margaret Creek Wildlife Observation Site. This prospectus supersedes a prospectus completed in 2005. The district intends to authorize up to 2,339 service days to up to six floatplane-based operators and up to ten boat-based operators as a result of this offering. Implementation of this prospectus is scheduled for the 2014 operating season.

Since implementation of the 2005 Margaret Creek prospectus, additional interested commercial operators have contacted KMRD requesting to provide services at Margaret Creek. This demonstration of additional competitive interest requires the issuance of a new prospectus and evaluation of offers to determine how the available service days will be allocated among the most qualified applicants. In addition, the January 2012, KMRD Outfitter and Guide Management Plan updated the available capacity in the entire Margaret Bay Use Area which includes Margaret Creek, Margaret Lake and the nearby saltwater shoreline.

This prospectus invites proposals from interested parties to provide commercial wildlife viewing opportunities at Margaret Creek (see Appendix A: Area Map). The purpose of this prospectus is to allocate service days to commercial users, allow for a more satisfying experience for site visitors, and reduce visitor impacts on the bears using Margaret Creek.

The objectives in providing these commercial opportunities are to:

- provide additional opportunities for Southeast Alaska's visitors to view fish and wildlife in a natural setting;
- reduce visitor impacts to the wildlife using Margaret Creek; and
- ensure that the recreational and natural resource values are maintained and available for unguided as well as guided visitors.

Applicants will be evaluated through their responses to the evaluation criteria to meet these objectives.

Permit holders are agents of the Forest Service that provide services to the public, protect health and safety, and help the Forest Service attain management objectives.

Applicants awarded use by this prospectus will be authorized priority use service days by special use permit. Applicants with existing special use permits on the Tongass National Forest will receive five-year priority use permits. Applicants who are not currently authorized to provide outfitter and guide services on the Tongass National Forest will be issued two-year priority use permits. Satisfactory performance at the completion of the initial two-year period may result in an extension to complete the five years. The authorized officer for this prospectus and resulting special use permits is the District Ranger. The term of this prospectus is expected to be 5-10 years.

Applicants are advised to read this prospectus and sample special use permit (see Appendix B: Sample Special Use Permit FS-2700-4i) carefully. There are a number of operational and insurance requirements with which applicants must comply. The Forest Service reserves the right to reject any and all applications if the applications do not serve the needs of the public. **Any incomplete or late applications will be rejected.**

All applicants must submit, in writing, a proposal that includes the information listed under section VI. INSTRUCTIONS- HOW TO SUBMIT AN APPLICATION.

Processing and monitoring of applications is subject to cost recovery under 36 CFR 251.58. Forest Service regulations require applicants for, and holders of, the special use permit to pay a fee for processing applications and monitoring authorizations. **At the end of the application period, applicants will be required to sign a cost recovery agreement (Appendix F: Sample Category 6 Major Cost Recovery Agreement) and will be billed proportionally to the total number of service days requested (see section V. OFFERING).**

II. GENERAL INFORMATION

Margaret Creek is a fish and wildlife-viewing site located 25 air miles north of Ketchikan, Alaska. Site facilities include a viewing platform with a blind overlooking a fish ladder, a ¼-mile Americans with Disabilities Act (ADA)-accessible gravel access trail, outhouse, a one-mile gravel road and a public boat/plane float on saltwater in Margaret Bay. Additionally, permit holders may take clients to the upper bridge at the outlet of Margaret Lake. Permit holders may be authorized to leave a vehicle onsite for the purpose of transporting clients from the dock to the viewing site.

In 1989, the Forest Service constructed a fish ladder at the site and from that point until 1998 the site was visited infrequently by locals, loggers, and Forest Service staff. A local tour operator in Ketchikan approached the Forest Service and requested a review of the site for potential tourism developments. The viewing platform was constructed later in 1998.

Since 1999, guided and unguided users have visited Margaret Creek each year to watch black bears feed on four species of salmon during the peak of the salmon run (late July through mid-September). The 2005 prospectus allocated 3,112 service days to six operators, five of which access the site via floatplane and one that accesses the site via motorized boat. Since 2007, annual use has declined to 1,200-1,500 service days used annually and additional service days are now available. In 2012, 1,573 of 2,122 authorized service days were used by commercial operators, representing the highest annual use in the previous five years.

The Ketchikan-Misty Fiords Ranger District Outfitter and Guide Management Plan, completed in 2012, allocated 2,752 service days for total commercial use in the Margaret Bay Use Area. Of the total area capacity, 85% or 2,339 service days will be allocated for commercial wildlife viewing at the Margaret Creek Wildlife Observation Site through this prospectus. A site-specific capacity analysis has been completed, resulting in a total capacity of 72 visitors total per day during the season of July 15 through September 20.

Definitions: The following terms and definitions will be helpful in reviewing the information presented in this prospectus.

Authorized Officer – Line Officer responsible for signing a permit. This is the District Ranger on the Ketchikan-Misty Fiords Ranger District.

Permit Holder - An applicant who has received a special use authorization to conduct outfitting or guiding activities.

Priority Use – Authorization of use for up to 10 years, based on the holder's past use and performance and applicable programmatic or project decisions to allocate use.

When a permit with priority use terminates, the permit is subject to renewal without competition. The renewal is at the sole discretion of the authorized officer.

Service Day - A day or any part of a day on National Forest System lands for which an outfitter/guide provides goods or services, including transportation, to a client.

Special Use Permit/Special Use Authorization - The terms are used interchangeably for the authorization to conduct commercial activities on National Forest System lands. A Special Use Authorization is not a contract. It is permissive in nature and is not saleable, transferable or assignable in whole or part. Special Use Authorizations are enforceable under 36 CFR 261.1. (Appendix B: Sample Special Use Permit FS-2700-4i)

Temporary Use – Authorization of short-term, non-renewable outfitting and guiding use assigned to the holder of a permit with a period of one season or less.

B. Successful Applicants - Issuance of Permits

Selection of successful applicants is anticipated by July 1, 2013. All applicants will be notified via certified mail whether they were successful or not. Successful applicants will be issued special use permits as follows:

1. All use assigned to successful applicants will be non-competitive during the life of this offering which is initially a 5-year period (2014-2018).

The amount of priority use may be adjusted after the initial five years based on a holder's highest use during the previous five-year period (plus 25% up to 1,000 service days/15% over 1,000 service days). If less than 33% of service days become available after the initial 5-year period, a second 5-year term (2019-2023) may be covered by this prospectus.

2. Successful applicants who are **not** existing Tongass National Forest priority use or transitional priority use permit holders will receive the service days as priority use for two years. After two consecutive years of successful performance, the permit may be extended to cover the remaining three years (2016 - 2018). The issuance of priority use permits is at the sole discretion of the authorized officer.

C. Management Direction

Specific management criteria in the 2012 Ketchikan-Misty Fiords Outfitter and Guide Management Plan, Margaret Creek Wildlife Viewing Site Carrying Capacity, 2008 Tongass Land and Resource Management Plan, and Forest Service regulations, policies, and direction will be followed in reviewing all applications. Copies of these documents may be obtained at the Ketchikan – Misty Fiords Ranger District Office, 3031 Tongass Avenue, Ketchikan, AK, 99901, or online via:

Tongass Land and Resource Management Plan

<http://www.fs.usda.gov/detail/tongass/landmanagement/planning/?cid=stelprdb5402695>

Ketchikan-Misty Fiords Outfitter and Guide Management Plan

http://www.fs.fed.us/nepa/nepa_project_exp.php?project=32817

III. OFFERING

This offering will provide successful applicants the opportunity to provide outfitter and guide services at the Margaret Creek Wildlife Observation Site.

A. Fees

The minimum fee for any outfitter/guide special-use authorization for 2014 is estimated to be \$106.00.

There are three separate costs that each applicant could incur as a result of applying to this prospectus:

1. **Cost Recovery Fee**- This is an application fee charged per service day requested in this prospectus. The Forest Service is required to assess cost recovery fees to recover the agency's processing costs for special use applications as well as monitoring of authorizations, subject to the requirements and limitations set out at 36 CFR 251.58.

At the completion of the application period, the total prospectus cost of **\$15,787** will be divided by the total number of days applied for to determine the application fee per service day. You will be required to sign a cost recovery agreement (Appendix F: Sample Category 6 Major Cost Recovery Agreement) and will be issued a bill in the amount of the fee per service day multiplied by the number of service days for which you have applied. The minimum cost recovery processing fee is \$100.

Your bill must be paid within 30-days for your application to be considered for award of service days.

2. **Service Day Fee** – This is the “flat fee” required for providing outfitter/guide services that include remote-setting wildlife viewing opportunities at developed sites. If you are awarded service days through this prospectus, you will be required to pay this fee prior to use each season. A refund or credit will be given for service days not utilized during the operating season. This fee is \$5.24 per service day for 2013 (FS Handbook 2709.11, R-10 Supplement 2709.11-2013-1). Annually, the Implicit Price Deflator-Gross National Product is applied to the flat fee, which may result in increased fees.
3. **Assigned Site Fee** – This is the fee required to store a vehicle or equipment on site. The assigned site fee for 2013 is \$200. Triennially, the Implicit Price Deflator-Gross National Product is applied to the flat fee, which will result in increased fees for 2014.

B. Available Service Days

Site capacity limits for use at Margaret Creek were set in 2004 in the Margaret Creek Wildlife Viewing Site Carrying Capacity. The daily capacity was set at 72 visitors, of which 48 may be guided. The remaining daily site capacity of 24 visitor days is available to the general public to use on an unguided basis. The summer (May 15-September 30) guided capacity for the Margaret Bay Use Area is 2,752 service days, as analyzed in the 2012 KMRD Outfitter and Guide Management Plan.

The majority of service days, 85% or 2,339, will be allocated for priority use from this prospectus.

The remaining fifteen percent of service days in the use area are available non-competitively. Ten percent will be available for non-wildlife viewing activities including guided fishing. The remaining five percent will be available for wildlife viewing or other activities by temporary use.

Temporary use days will be allocated on a first-come, first-served basis for non-priority use permit holders for a single season. Examples include camps or university groups who would like to visit

the site one year but don't plan to return for multiple years.

We expect that guides will continue to cooperate to limit the frequency of instances when the site capacity of 48 guided clients per day or 12 guided clients at one time on the platform is exceeded. If the site or platform capacity is found to exceed the capacity more than 15% of days, additional administrative measures may be taken to determine allocation by day or time.

C. Allocation of Guided Service Days

Guided opportunities at the Margaret Creek Wildlife Observation Site will be competitively awarded in the following manner.

1. Up to six floatplane-based operators and up to ten boat-based operators may be awarded use through this prospectus. Service days will be awarded on an annual basis for use at any time during the year.
2. Operators awarded less than 500 service days may bring up to 12 clients per day in a maximum of two groups per day. Operators awarded 500 or more service days may bring up to 24 clients per day in a maximum of four groups per day.
3. Applicants are encouraged to apply for only the use they will use.
4. Should a holder of a permit cease operations or if the permit is terminated or revoked for any reason, other existing holders will be eligible to apply for additional service days in proportion to the original award for the remainder of the prospectus term. For example, an operator who receives 10% of the initial total allocation would be eligible for 10% of service days returned. Holders who receive less than 1% initially would be eligible for 1%. Any remaining days would become part of the temporary use pool.

The number of successful applicants will be based upon the overall qualifications of the applicants as ranked according to the evaluation criteria found in Section V: EVALUATION CRITERIA.

D. Permit Special Stipulations

The following stipulations are included in the Annual Operating Plan for the Margaret Bay Use Area and are subject to review and change by the Authorized Officer.

1. Outfitters/guides will include bear safety education in their safety briefings. Information provided will include basic bear biology and behavior, how to avoid confrontations, viewing distances, and what to do in case of an encounter.
2. All visitors and guides will remain on Forest Service developments, including constructed and maintained roads, trails, and the viewing platform.
3. All visitors and guides will remain on the viewing platform except during transit along the trail; no stalking or chasing bears is allowed.
4. Vehicles used by outfitters and guides are only permitted on FS road 8000495 and FS Road 8000000 as identified in the Motor Vehicle Use Map (http://www.fs.fed.us/r10/tongass/MVUM/KetchikanMisty_RD_2012.pdf). Use of FS Road 8040000 (accessing "the lower bridge") is not authorized. Vehicles will stay on

established travel routes and pull-out areas at all times to avoid the spread of non-native species.

5. Air carriers will avoid buzzing the Margaret Creek drainage.
6. Guided use is only authorized between the hours of 0800 and 1800.
7. Group size is limited to 12 persons at one time (not including guides). Maximum of one guide per group.
8. Vehicles will not block the roadway and/or trailhead to vehicle and pedestrian traffic.
9. No food will be brought to the viewing area. Food will remain in the airplane or vehicle.
10. Use of the dock is non-exclusive. Operators must have a guide with their clients at all times and pilots will remain with their planes during tours.
11. No smoking by guides or visitors on the trail or platform is allowed.

In the event that a contradiction exists between this prospectus and the special use permit (FS-2700-4i), the special use permit terms and conditions supersede the prospectus.

IV. SPECIAL CONDITIONS

A. Insurance Requirements

1. Insurance coverage for outfitting/guiding activities shall be Comprehensive General Liability. The minimum coverage for outfitter and guide activities shall be \$300,000 combined single limit (CSL) per occurrence with the following exceptions.
 - a. If defense costs are included within the liability limits of the insured, the minimum coverage shall be increased to \$500,000.
 - b. If the authorized activity is van or bus transportation, or river or lake trips, which has a party size greater than 13 people, the minimum coverage shall be \$500,000 CSL.
 - c. If the authorized activity involves transportation by aircraft, the minimum coverage shall be \$2,000,000 CSL.
2. Holders must name the U.S. Government as “additional insured.”
3. The policy must also contain a specific provision or rider to the effect that the policy shall not be cancelled or its provisions changed or deleted before thirty (30) days written notice to the Authorized Officer.

The holder must provide an authenticated copy of the insurance policy to the Forest Service upon issuance of the policy.

Applicants should note that future analysis of risk for outfitting and guiding activities may result in increased minimum insurance coverage amounts for authorized holders.

B. Use Records and Financial Information

1. The permit holder will annually furnish the Ketchikan – Misty Fiords Ranger District with the number of service days, dates of each guided group, and any other information as requested. The Forest Service will provide permit holders with copies of the use record and operating plan forms that will be used for reporting the requested information.
2. Use reports must be submitted no later than 30 days after the close of their operating season, or prior to November 1 of each year, whichever comes first. The holder must certify the report as complete and accurate. Failure to submit timely use reports may lead to an unacceptable performance evaluation and may be cause for revocation of the holders special use permit.

C. Performance Evaluations

Permit holders will be subject to performance evaluations. At a minimum, the Forest Service will perform a year-end performance evaluation at the close of the operating season (Appendix D: Alaska Region Outfitter/Guide Performance Evaluation). An unsatisfactory rating may be cause for suspension or revocation of the special use authorization. Sustained satisfactory performance is required for a permit continuation or extension.

The Forest Service reserves the right to conduct field inspections on authorized operations at any time.

V. EVALUATION CRITERIA - SELECTION OF SUCCESSFUL APPLICANTS

A. Selection Overview

Proposals received in response to this prospectus will be evaluated by a panel of Forest Service and Alaska Department of Fish and Game employees using the evaluation criteria listed herein. The panel will be largely comprised of staff from other offices who are unfamiliar with your operations at Margaret Creek. Therefore, the panel's ratings will be based on, to the greatest extent possible, the application material and responses to the evaluation criteria. Applicants will be ranked according to the score assigned by the panel.

The objective of this invitation is to select the applicant(s) whose proposal best protects the resource while serving the public need for high quality recreation experiences.

Applicants must provide written responses to the Selection Criteria listed in this section. Failure to provide adequate information for each of the criteria may result in a lower rating for the applicant.

The evaluation panel will make recommendations to the Authorized Officer as to which applicants offer the best service to the public, partnership with the Forest Service and protection of the resources. The Authorized Officer will make any and/or all selection decisions. All applicants will be notified by certified mail.

The criteria categories are listed below in descending order of importance. Be thorough in describing your personal and/or company history and background. Include any additional

information you feel is pertinent for the selection criteria.

B. Selection Criteria

This list includes the criteria categories. The full list of criteria can be found on pages 14-17.

Criteria 1 -- Services Offered to Customers

Provide information regarding the services you will be providing. Add any information to your response that you feel is pertinent to the evaluation criteria. We will be looking for a range of services being offered to the public.

Criteria 2- Ability to Provide a Safe Outfitted or Guided Experience to Visitors

Provide a description of your background, training, and experience in providing safe guided tours.

Criteria 3 - Experience and Qualifications of Applicant

Provide a description of your experience as a guide. Emphasis should be on experience in Ketchikan or similar conditions. Specifically describe your experience guiding wildlife viewing tours. Discuss your knowledge of local conditions and standards for operating on National Forest System lands.

Criteria 4 – Financial Capability

Applicants must complete the attached Financial Statement, Form FS 6500-24 (Appendix E), providing the past three (or most recent) years of financial history.

C. Proposed Operating Plan

As part of the application package, applicants must submit a proposed annual operating plan utilizing the *Ketchikan-Misty Fiords Ranger District Outfitter/Guide Operating Plan* (Appendix C). Applicants are encouraged to organize their plans utilizing their responses to the selection criteria. Any successful applicant's proposed operating plan will be attached to and become part of the special use permit.

D. Post Selection Requirements

Once an applicant(s) has been selected, the following information must be submitted and approved by the Forest Service prior to issuance of a special use permit:

- A final operating plan containing required and optional items.
- Documentation of required liability insurance.
- A state business license and any other required federal, state, or local certifications or licenses.

VI. INSTRUCTIONS - HOW TO SUBMIT AN APPLICATION

A. Instructions for submitting applications

All applications must be submitted in writing to:

Jeffrey DeFreest
Attention: Margaret Creek Prospectus
Ketchikan – Misty Fiords Ranger District
3031 Tongass Avenue
Ketchikan, AK 99901

**Applications must be received by 4:30 p.m., Alaska Daylight Time, March 29, 2013.
Postmarks are not honored.**

To be considered, each applicant must submit in writing the information requested below:

- Have the name and address of the applicant on the outside of a sealed envelope.
- Have “Margaret Creek Prospectus” clearly marked on the envelope.
- All applications must be signed. The person signing must have the authority to sign for that entity.
- Address, telephone number, and email address.
- Contain all of the required documents listed below.
- Late and incomplete proposals will NOT be accepted and will be returned.

Applicants must submit **one original and four copies** of their application package and supporting documents.

Corporations must include:

- Evidence of incorporation and good standing
- If reasonably obtainable, the name and address of each shareholder owning 3% or more of the corporation’s shares and the number and percentage of any class of voting shares that each shareholder is authorized to vote.
- The name and address of each affiliate of the corporation.
- If an affiliate is controlled by the corporation, the number of shares and the percentage of any class of voting stock of the affiliate owned, directly or indirectly, by the corporation
- If an affiliate controls the corporation, the number of shares and the percentage of any class of voting stock of the corporation owned, directly or indirectly, by the affiliate.

Partnerships, limited liability companies (LLCs), associations, or other unincorporated entities must submit a certified copy of the partnership agreement or other documentation establishing the entity or a certificate of good standing under the laws of the state where the entity is based.

B. Application Package Requirements

The application must be in writing and must include the following:

- A signed cover sheet
- A proposed operating plan that includes the required information
- Selection criteria responses, as well as any supplemental materials

C. General Requirements

1. All applicants have an equal opportunity to apply. Except for members of Congress, Resident Commissioners, and current Forest Service employees, any individual or entity may apply.
2. The Forest Service does not guarantee a profitable operation. Rather, applicants are responsible for reviewing the prospectus and making their own determination concerning business viability.
3. The Forest Service reserves the right to select the successful applicant based solely on the initial application, without written or oral discussions.
4. The Forest Service reserves the right to reject any or all applications and to rescind the prospectus at any time before a special use permit is issued.
5. Any oral statements made by a representative of the Forest Service shall not modify the requirements of this prospectus. If it is determined that an error or omission has been made or additional information is required, a written amendment will be made available.
6. If there is a conflict between the terms of the prospectus and the special use permit, the terms of the permit will control.
7. Each applicant warrants that no person or selling agency has been employed or retained to solicit or secure acceptance of his or her bid under this invitation upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee except a bona fide employee or bona fide established commercial selling agency maintained by this applicant for the purpose of doing business. For breach of warranty, the Government shall have the right to annul any award under this invitation without liability, or at its option to recover from the applicant the amount of such commission, percentage, brokerage or contingent fee in addition to the consideration herein set forth.
8. All costs incurred by the applicant for the items submitted for this offering shall be the sole responsibility of the applicant.
9. The information contained in applications will be kept confidential to the extent permitted under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a).

**2013 MARGARET CREEK WILDLIFE VIEWING
OUTFITTER AND GUIDE PROSPECTUS
APPLICATION FORM**

Date Received

In response to the request of the Ketchikan – Misty Fiords Ranger District, and subject to the requirements and conditions set forth in An Invitation to Provide Outfitted/Guided Services at the Margaret Creek Wildlife Observation Site, the undersigned offers the following:

A. **Maximum** number of service days requested:

B. **Minimum** number of service days requested:

C. Are you willing to accept any award of service days below the minimum number you have listed above: YES _____ NO _____

Name and Address of Applicant:

Telephone Number: _____

Email: _____

Signature: _____

Title: _____

FORM A

Criteria 1 – Services Offered to Customers

Provide information regarding the services you will be providing. The following information is not all-inclusive. Add any information to your response that you feel is pertinent to the selection criteria. We will be looking for a range of services being offered to the public.

1. Provide an outline on the interpretive aspect of your guided tour which furthers the understanding and enjoyment of wildlife and natural resources at Margaret Creek, and how your guided tour will balance the needs of the visiting public with the natural resource values of the area.
2. Describe how your tour will be structured. Include all aspects of your tour, including length of time on the trail, starting point, turning point, stopping points, group size, method of travel to the trail, etc. Include in your description any mitigation that you'll provide to alleviate conflicts with other guided groups and the unguided public during your tour.
3. What training do you provide to your guides and what qualifications do you require?
4. What will the client to guide ratio be on your tour?
5. What type of equipment will you provide to your clients for the activity? (raingear, rubber boots, etc.)
6. What type of watercraft or aircraft will you utilize on your tour? What is the capacity and size of the craft? What are your maintenance standards? Applicants must demonstrate that the equipment and accessories proposed for use in the operations are safe and adequate for general public service relative to the specific activity, i.e. outfitting/guiding in various conditions found in Southeast Alaska.
7. Describe any/all provisions you will have for providing opportunities for physically challenged individuals to participate in your guided tour. What provisions will you have in place for accommodating non-English speaking visitors?
8. Provide an outline of your business plan that describes how you intend to use the service days you are requesting. How does Margaret Creek wildlife viewing fit into your business plan? Provide any business planning documents that support your response.
9. Provide an estimate of your client fees for the first five years of this offering (2014 through 2018).

FORM B**Criteria 2- Ability to provide a safe outfitted or guided experience to visitors**

Describe your background, training, and experience in providing safe outfitter/guide services. Include documentation that will support information provided. Provide as much detail as possible on quantity and quality of training including, but not limited to, dates, duration, affiliations, and references. Include information regarding the following:

1. Describe emergency medical training and/or first aid training requirements for all employees.
2. Describe any company policy pertaining to minimum weather conditions for operations.
3. Describe emergency rescue training and procedures.
4. List safety and first aid equipment/supplies that will be available on the guided tour or transport vehicle, e.g., radios, blankets, life vests, first aid kits, etc.
5. List any training or certification requirements that your employees must have for operating water/aircraft that are used in your operations. This should include training requirements instituted by your company and any local, state or federal requirements.
6. Describe your experience and the safety procedures you follow when outfitting/guiding in bear inhabited areas. If guides carry firearms, describe the training and certification program.
7. Describe any safety instruction you provide clients.

FORM C

Criteria 3 - Experience and qualifications of the applicant

1. Provide information on past experience complying with any local, state, or federal permits. State specifically if you have operated under a Forest Service special use permit, which Forest Service office administered your permit, and the terms of your permit(s).
2. Consideration will be given regarding an applicant's previous performance while operating under these permits (i.e., compliance with terms of permit, prompt fee payment, reasonable record keeping and reporting, etc.), including applicable Performance Evaluations and other pertinent documentation. Include copies on your two most recent performance evaluations specific to operations on National Forest System lands if applicable.
3. Personal and business references will be contacted to verify qualifications and experience levels relative to the proposed use. Submit two personal and two business references. Additional contacts may be made, other than those submitted. All information derived from such review is confidential and is for official use only.
4. Provide a description of your past performance as an outfitter or guide. Emphasis should be on experience in Southeast Alaska or similar conditions. Specifically describe your experience outfitting/guiding at wildlife viewing areas. Discuss your knowledge of local operating conditions and standards for operating at Margaret Creek Wildlife Observation Site.
5. Describe your resource stewardship ethics and how those affect (or have affected) your behavior as an outfitter/guide.

FORM D

Criteria 4 - Financial capability

1. Applicants must complete the attached Financial Statement, Form FS 6500-24 (Appendix E), providing the past three (or most recent) years of financial history. The form must be notarized. If your financial statements are already prepared by an independent firm or certified by a CPA, they can be used in lieu of filling out the FS 6500-24. If you have not been in business for at least three years, provide the financial information for the years you have been. Financial statements are secured in confidence and are not public information. Applicants must state if they want their financial information returned to them.

Attach this sheet to the face of your completed Financial Statement form (FS 6500-24).

PANEL INSTRUCTIONS

Guidelines for Numerical Ratings

Each member of the evaluation panel will rate each applicant's response to every criteria with a score of 1 to 10 with 10 being the highest score. The following descriptive list defines scores for greater consistency among evaluators.

- 1 No experience/qualifications or information provided.
- 3 Applicant answered the criteria in a weak manner (the response is not complete), or the qualifications are weak, leaving you with too many questions, concerns, or need for clarification.
- 5 Applicant addressed each criteria in a manner which is complete (it is complete in the sense that the criteria are addressed, but there are still questions that could be answered). Because of this, you reasonably feel that the applicant would be marginally acceptable and in practice would require close administrative scrutiny.
- 7 Applicant has fully addressed the evaluation criteria. They have demonstrated that they have experience/qualifications and the potential to perform at a level that will provide a quality visitor experience. The applicant appears to be fully "up to speed."
- 10 Applicant has outstanding experience and qualifications. They fully demonstrate that they meet the selection criteria, and will provide the extra effort and creativity to make this a viable, satisfying experience for the visitor.

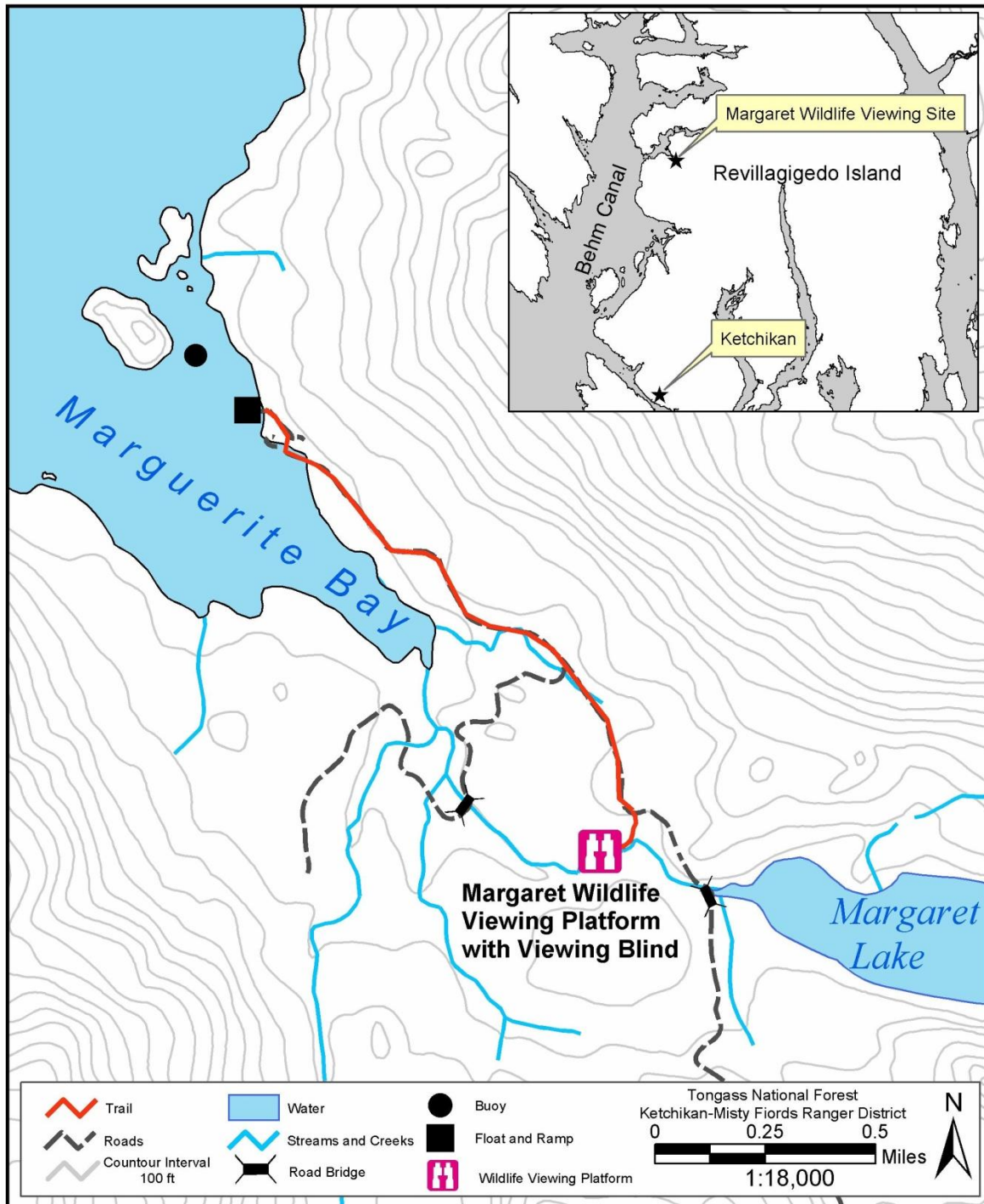
Scores for each criteria will then be multiplied by a value to reflect the different weight given to each criteria, with a total possible score of 100 points.

The selection criteria are listed in descending order of importance and the weighting will be as follows:

Criteria 1 will receive a weighting of 4 times the score assigned.	40
Criteria 2 will receive a weighting of 3 times the score assigned.	30
Criteria 3 will receive a weighting of 2 times the score assigned.	20
Criteria 4 will receive a weighting of 1 times the score assigned.	<u>10</u>
TOTAL POINTS	100

APPENDIX A

Margaret Wildlife Viewing Site Map



APPENDIX B

Use Code: 153
Authorization ID: XXXX
Contact Name: XXXXX
Expiration Date: XXXXX

FS-2700-4i (v. 10/11)
OMB No. 0596-0082

SPECIAL USE PERMIT FOR OUTFITTING AND GUIDING

**Authority: Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h)
(Ref. FSH 2709.11, section 41.53)**

This permit authorizes priority use outfitting and guiding for xxx years.

xxxxxxx, (hereinafter "the holder"), is hereby authorized to use and occupy National Forest System lands, subject to the terms and conditions of this permit, to provide outfitting and guiding services within the Ketchikan-Misty Fjords Ranger District of the Tongass National Forest, described as Sec. 26, T. 71 S., R. 89 E., COPPER RIVER MERIDIAN and as shown on the map of the authorized area, attached as Appendix A. The above-described area shall be referred to as the "permit area."

The purpose of this permit is to authorize the following outfitting and guiding activities:

Margaret Creek Wildlife Observation Site: xxx Priority Use Service Days

This use will be exercised as described in the annual operating plan.

The following appendices are attached to and made a part of this permit:

APPENDIX A - Map of Authorized Area
APPENDIX B - Annual Operating Plan, dated and approved annually
APPENDIX C - Trip Itinerary
APPENDIX D - Estimated Fee Determination Sheet, approved annually
APPENDIX E - Actual Use Report Format
APPENDIX F - Authorized Officer's Outfitter and Guide Performance Evaluation Criteria
APPENDIX G - Other n/a

I. AUTHORITY AND GENERAL TERMS OF THE PERMIT

A. AUTHORITY. This permit is issued pursuant to Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h), and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. AUTHORIZED OFFICER. The authorized officer is the Forest Supervisor or a subordinate officer with delegated authority.

C. TERM. This permit shall expire at midnight on 12/31/2013. Expiration of this permit shall not require notice, a decision document, or any environmental analysis or other documentation.

D. RENEWAL. This permit is not renewable. Upon expiration, this permit may be extended for up to 8 years if the priority use authorized by this permit is consistent with applicable law and the applicable land management plan and if the holder's performance is satisfactory.

E. AMENDMENT. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable forest land and resource management plan,

or projects and activities implementing a land management plan pursuant to 36 CFR 215.

F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS. In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. NON-EXCLUSIVE USE. The use and occupancy authorized by this permit are not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

H. CHANGE IN CONTROL

1. Notification. The holder shall notify the authorized officer when a change in control of the business entity that holds this permit is contemplated. If the holder is a corporation, change in control means the sale or transfer of a controlling interest in the corporation. If the holder is a partnership or a limited liability company, change in control means the sale or transfer of a controlling interest in the partnership or limited liability company. If the holder is an individual, change in control means the sale or transfer of the business to another party.

2. Termination. This permit is not transferable. Any change in control of the business entity as defined in clause I.H.1 shall cause this permit to terminate upon issuance of a new permit to another party for the use and occupancy authorized by this permit. The party who acquires control of the business entity must submit an application for a permit for the type of use and occupancy authorized by this permit. Issuance of a new permit to the party acquiring control shall be at the sole discretion of the authorized officer. The authorized officer shall determine that the applicant meets requirements under federal regulations.

I. LIMITATIONS. Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically provided for in this permit. Any use not specifically identified in this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

II. OPERATIONS

A. ANNUAL OPERATING PLAN. The annual operating plan, which shall be attached to this permit as Appendix B, shall be submitted by the holder and approved by the authorized officer before the holder conducts any services authorized by this permit. The holder shall prepare an annual operating plan by January 15th of the operating year, in consultation with the authorized officer. At a minimum, the annual operating plan shall include (1) the season of use for authorized outfitting and guiding activities, including the start and stop date of operations; (2) limitations on use established by the Forest Service (including fire restrictions); (3) the fee calculation option to be used and a completed Estimated Fee Determination Sheet (appendix D); and (4) any of the following that are applicable: (a) a process for submitting trip itineraries (appendix C); (b) guidelines and limits for incidental grazing; (c) location and layout of assigned sites to be used for base, spike, and drop camps or other purposes; and (d) authorized temporary improvements on National Forest System lands, including a schedule for their construction and removal.

B. ITINERARY. The holder shall submit an itinerary for each type of trip.

C. PERFORMANCE REVIEW AND EVALUATION. The holder's compliance with the terms and conditions of

this permit and the five-year or annual operating plan is subject to annual performance review and evaluation by the authorized officer. The holder's performance will be documented using the Outfitter and Guide Performance Evaluation Criteria, Appendix F.

D. TEMPORARY IMPROVEMENTS. No permanent improvements may be constructed under this permit. Temporary improvements with negligible value, such as hitching posts, corrals, tent frames, and shelters, may be approved by the authorized officer in the five-year or annual operating plan. Plans and revisions to plans for design, development, and layout of temporary improvements must have prior written approval from the authorized officer.

E. PROHIBITION ON ASSIGNMENT OF USE. The holder may not assign all or part of the authorized use to others.

F. PERFORMANCE OF SUPPORT SERVICES. As a general rule, the holder shall conduct the day-to-day activities authorized by this permit. Activities that support the use authorized by this permit, such as food or shuttle services, may be conducted by a party other than the holder, but only with prior written approval from the authorized officer. The holder shall continue to be responsible for compliance with all the terms of this permit.

G. MAINTENANCE. The holder shall maintain authorized temporary improvements and the permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.

H. SIGNS. Signs posted on National Forest System lands must have prior written approval of the authorized officer.

I. NONDISCRIMINATION

1. The holder and its employees shall not discriminate against any person on the basis of race, color, sex (in educational activities), national origin, age, or disability or by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. In addition, the holder and its employees shall comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments Act of 1972, as amended, and the Age Discrimination Act of 1975, as amended.

2. The holder shall include and require compliance with the above nondiscrimination provisions in any third-party agreement made with respect to the operations authorized under this permit.

3. The Forest Service shall furnish signs setting forth this policy of nondiscrimination. These signs shall be conspicuously displayed at the public entrance to the premises and at other exterior or interior locations, as directed by the Forest Service.

4. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the violation occurs.

J. EQUAL ACCESS TO FEDERAL PROGRAMS. In addition to the above nondiscrimination policy, the holder agrees to ensure that its programs and activities are open to the general public on an equal basis and without regard to any non-merit factor.

K. SANITATION. The operation and maintenance of all sanitation and food service systems and facilities shall comply with applicable standards set by state and local health departments.

L. REFUSE DISPOSAL. The holder shall comply with all applicable federal, state, and local requirements related to disposal of any refuse resulting from the use and occupancy authorized by this permit.

M. REMOVAL AND PLANTING OF VEGETATION. This permit does not authorize the cutting of timber or other vegetation. Trees or shrubbery may be removed or destroyed only after the authorized officer has approved and marked what may be removed or destroyed. Timber cut or destroyed shall be paid for at current stumpage rates for similar timber in the Tongass National Forest. The Forest Service reserves the right to dispose of the merchantable timber to those other than the holder at no stumpage cost to the holder. Unmerchantable material shall be disposed of as directed by the authorized officer. Planting of trees, shrubs, and other plants in the permit area must have prior written approval from the authorized officer.

N. FAILURE TO EXERCISE AUTHORIZED PRIVILEGES. During the 5th year of operation and upon termination, the authorized officer shall review actual use and adjust the allocation of use to match the highest amount of actual use in 1 calendar year during the first 5 years of operation, plus 25 percent of that amount for holders with up to 1,000 service days or the equivalent in quotas or 15 percent of that amount for holders with more than 1,000 service days or the equivalent in quotas, provided that:

1. The combination of the highest amount of actual use in 1 calendar year and the additional 25 or 15 percent of use not exceed the amount of use allocated when the permit was issued; and
2. To ensure that 5 years of use are available for review as a basis for making the allocation adjustment, the authorized officer may adjust the review period to include a previous or an additional year of use based on a finding that extraordinary circumstances prevented a season of operation.

O. RESTRICTION OF MOTOR VEHICLE USE. The holder shall restrict motor vehicle use to designated roads, trails, and areas, unless specifically provided otherwise in the operating plan.

III. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR Part 251, Subpart C, and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. THIRD-PARTY RIGHTS. This permit is subject to all valid outstanding rights. Valid outstanding valid rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.

C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

D. WATER RIGHTS. This permit does not confer any water rights on the holder. Water rights are not required by state law and may not be acquired to exercise the minor water uses authorized by this permit.

E. RISKS. The holder assumes all risk of loss associated with use and occupancy of the permit area, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and acts of God. If authorized temporary improvements in the permit area are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed.

F. DAMAGE TO UNITED STATES PROPERTY. The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States that are associated with the use and occupancy authorized by this permit. Damage includes but is not limited to destruction of or damage to National Forest

lands covered by this permit, fire suppression costs, and destruction of or damage to government-owned improvements covered by this permit.

1. The holder shall be liable for all injury, loss, or damage, including fire suppression, or other costs in connection with rehabilitation or restoration of natural resources associated with the use and occupancy authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs in connection therewith.
2. The holder shall be liable for damage to all roads and trails of the United States open to public use caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to the same extent as provided under clause III.F.1, except that liability shall not include reasonable and ordinary wear and tear.

G. HEALTH AND SAFETY. The holder shall address the health and safety of its employees, agents, and clients by having trained and qualified staff, utilizing properly maintained equipment, and providing supervision appropriate for the level of risk associated with the authorized activity. The holder shall avoid situations or conditions that cause or threaten to cause a hazard to public health or the safety of the holder's employees, agents, or clients. The holder shall as soon as practicable notify the authorized officer of all serious accidents that occur in connection with such activities. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations and activities of the holder for hazardous conditions or compliance with health and safety standards.

H. ENVIRONMENTAL PROTECTION

1. For purposes of clauses III.H and V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of CERCLA, 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.
2. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use and occupancy of the permit area. Environmental damage includes but is not limited to all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. If the environment or any government property covered by this permit becomes damaged in connection with the holder's use and occupancy, the holder shall as soon as practicable repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.
3. The holder shall as soon as practicable, as completely as possible, and in compliance with all applicable laws and regulations abate any activity or condition arising out of or relating to the authorized use and occupancy that causes or threatens to cause harm to the environment, including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources.

I. INDEMNIFICATION OF THE UNITED STATES. The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use and occupancy authorized by this permit. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees in connection with the use and occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to those environmental laws listed in clause V.A of this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United

States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous substance, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

J. INSURANCE. The holder shall furnish proof of insurance, such as a certificate of insurance, to the authorized officer prior to issuance of this permit and each year thereafter that this permit is in effect. The Forest Service reserves the right to review and approve the insurance policy prior to issuance. The holder shall send an authenticated copy of any insurance policy obtained pursuant to this clause to the authorized officer immediately upon issuance of the policy. Any insurance policies obtained by the holder pursuant to this clause shall name the United States as an additional insured, and the additional insured provision shall provide for insurance coverage for the United States as required under this clause. Such policies shall also specify that the insurance company shall give 30 days prior written notice to the authorized officer of cancellation of or any modification to the policies. The certificate of insurance, the authenticated copy of the insurance policy, and written notice of cancellation or modification of insurance policies should be sent to Ketchikan-Misty Fjords Ranger District, 3031 Tongass Ave, Ketchikan, AK 99901. Minimum amounts of coverage and other insurance requirements are subject to change at the sole discretion of the authorized officer on the anniversary date of this permit.

1. **Liability.** The holder shall have in force liability insurance covering losses associated with the use and occupancy authorized by this permit arising from personal injury or death and third-party property damage in the minimum amount of \$1,000,000.00 as a combined single limit per occurrence.

2. Depending on the holder's operations, the Forest Service may require the holder to demonstrate the availability of funds to address any release or threatened release of hazardous materials that may occur in connection with the holder's use and occupancy. Any requirements imposed would be established on a case-by-case basis by the authorized officer based on the degree of environmental risk from the holder's operations. The use and storage of normal maintenance supplies in nominal amounts generally would not trigger financial assurance requirements.

IV. PERMIT FEES AND ACCOUNTING RECORDS

A. PERMIT FEE. The holder shall pay to the USDA, Forest Service, an annual permit fee for the term of this permit based on the fair market value of the use and occupancy authorized by this permit. The annual permit fee shall include a commercial use fee and, if applicable, an assigned site fee and grazing fee, as enumerated in clauses IV.B, C, and D. The minimum annual permit fee for the authorized use and occupancy shall be \$103.01. Estimates of service days, the number of assigned sites, and grazing use shall be determined from the five-year or annual operating plan. Estimated fees shall be calculated on an Estimated Fee Determination Sheet. The holder shall pay the annual permit fee in advance of the authorized use and occupancy, as provided in clause IV.B. Payments due before commercial operations commence are not refundable. The Forest Service shall adjust and calculate permit fees authorized by this permit to comply with any new permit fee system based on market value that may be adopted by statute, regulation or directive issued by the Chief after issuance of this permit.

1. COMMERCIAL USE FEE. The annual permit fee shall be determined in accordance with the Alaska Region flat fee system.

(a) Definitions

(1) Adjusted Gross Revenue. Gross revenue and revenue additions less applicable exclusions.

(2) Gross Revenue. The total amount of receipts from the sale of goods or services provided by the holder or

third party under the permit.

(3) Revenue Additions. The market value of the following items, which are added to gross revenue:

(A) The value of goods and services that are donated or the value of goods and services that are bartered in exchange for goods and services received that are directly related to the outfitted or guided trip; and

(B) The value of gratuities, which are goods, services, or privileges that are not available to the general public and that are donated or provided without charge to organizations; individuals; the holder's employees, owners, or officers; or immediate family members of the holder's employees, owners, or officers.

(4) Revenue Exclusions. The following are excluded from gross revenue:

(A) Revenue derived from goods or services sold on private land that are not related to outfitting and guiding operations conducted on National Forest System lands, such as souvenirs, telephone toll charges, and accident insurance sales.

(B) Amounts paid or payable to a State government licensing authority or recreation administering agency from sales of hunting or fishing licenses and recreation fee tickets.

(C) Revenue from the sale of operating equipment, rental equipment, capitalized assets, or other assets used in outfitting and guiding operations, such as horses, tack, watercraft, and rental skis and boots, which are sold periodically and replaced.

2. ASSIGNED SITE FEE. A fee shall be charged for the occupancy of National Forest System sites assigned to the holder. Assigned site fees shall not be prorated; the holder shall pay the full annual fee for each assigned site. No refunds or credits will be given for authorized but unused assigned sites.

3. GRAZING FEE. A fee shall be charged for grazing livestock used in conjunction with the use and occupancy authorized by this permit. No refunds or credits will be given for authorized but unexercised grazing use.

B. PAYMENT SCHEDULE. The holder shall pay the annual estimated permit fee, including the fee for commercial use, assigned site fee, and grazing fee, in advance of the authorized use, as follows:

1. Single Payment. The holder shall pay the total annual estimated fee in advance when it is less than \$500.

2. Two Payments. The holder shall pay half the total annual estimated fee in advance and the remainder by mid-season when the total is equal to or greater than \$500, but less than \$2,500.

3. Three Payments. The holder shall pay one-third of the total annual estimated fee in advance and the remainder in two equal payments by mid-season when the total is \$2,500 or more.

4. Final Payment. The Forest Service shall reconcile annually the actual permit fee against permit fee payments made. The holder shall pay any additional fees owed for the past year's operation within 30 days of billing.

C. DOCUMENTATION OF REVENUE. The holder shall provide documentation of use and revenue for purposes of permit fee verification.

1. Actual Use Report. Within 30 days of completion of the holder's approved operating season, the holder shall submit to the authorized officer an actual use report in accordance with the format in Appendix E.

2. Income Statements. No later than 90 days after the close of the holder's fiscal year, the holder shall submit to the authorized officer a statement of income reporting the results of the holder's annual operations.

The statement shall include gross revenue, the value of donated goods and services, the value of gratuities, the value and description of items excluded from gross revenue, and all adjustments, such as taxes deducted, and shall be broken down by permitted activities.

D. FEE PAYMENT ISSUES

1. Crediting of Payments. Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday.

2. Disputed Fees. Fees are due and payable by the due date. Disputed fees must be paid in full. Adjustments will be made if dictated by settlement terms or an appeal decision.

3. Late Payments

(a) Interest. Pursuant to 31 U.S.C. 3717 et seq., interest shall be charged on any fee amount not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the Prompt Payment Act rate or the rate of the current value of funds to the Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Interest on the principal shall accrue from the date the fee amount is due.

(b) Administrative Costs. If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.

(c) Penalties. A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.

(d) Termination for Nonpayment. This permit shall terminate without the necessity of prior notice and opportunity to comply when any permit fee payment is 90 calendar days from the due date in arrears. The holder shall be responsible for the delinquent fees, as well as any other costs of restoring the site to its original condition, including hazardous waste cleanup.

4. Administrative Offset and Credit Reporting. Delinquent fees and other charges associated with the permit shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. and common law. Delinquencies are subject to any or all of the following:

(a) Administrative offset of payments due the holder from the Forest Service.

(b) If in excess of 60 days, referral to the Department of the Treasury for appropriate collection action as provided by 31 U.S.C. 3711(g)(1).

(c) Offset by the Secretary of the Treasury of any amount due the holder, as provided by 31 U.S.C. 3720 et seq.

(d) Disclosure to consumer or commercial credit reporting agencies.

E. ACCOUNTING RECORDS. The holder shall follow generally accepted accounting principles or another comprehensive basis of accounting, such as the cash, modified cash, or income tax basis of accounting, in recording financial transactions. The minimum acceptable accounting system shall include:

1. Systematic internal controls and separate recording of gross receipts from each type of business conducted under this permit, separate from any other commercial or personal activity. Receipts shall be recorded daily without reduction and, if possible, deposited into a bank account. Receipt entries shall be supported by documentation such as cash register tapes, sales invoices, reservation records, and cash accounts from other sources.

2. For permits with fees greater than \$10,000, when requested by the Forest Service, the holder at its own expense shall have its annual accounting records audited by an independent public accountant acceptable to the Forest Service.

F. ACCESS TO ACCOUNTING RECORDS. The holder shall make all of the accounting books and supporting records for the business activities authorized by this permit available for audit by the Forest Service or other federal agencies authorized to review Forest Service activities. The holder shall retain these records and make them available for review for five years after the end of the year they were generated, unless disposition is otherwise authorized by the Forest Service in writing.

V. RESOURCE PROTECTION

A. COMPLIANCE WITH ENVIRONMENTAL LAWS. The holder shall in connection with the use and occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9601 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

B. VANDALISM. The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.

C. HERBICIDE AND PESTICIDE USE. Herbicides and pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, fish, and other pests and weeds without prior written approval from the authorized officer. A request for approval of planned uses of pesticides shall be submitted annually by the holder on the due date established by the authorized officer. The report shall cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests or weeds require control measures that were not anticipated at the time an annual report was submitted. Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned shall be considered for use on National Forest System lands. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers.

D. ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES. The holder shall immediately notify the authorized officer of any antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this permit. The holder shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

E. PROTECTION OF HABITAT OF ENDANGERED, THREATENED, AND SENSITIVE SPECIES. Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA), 16 U.S.C. 531 et seq., as amended, or as sensitive by the Regional Forester under the authority of Forest Service Manual Chapter 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this permit, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the sole responsibility of the holder. If protective measures prove inadequate, if other such areas are discovered, or if new species are listed as federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection, regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

F. CONSENT TO STORE HAZARDOUS MATERIALS. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

G. CLEANUP AND REMEDIATION.

1. The holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer, of any oil discharge or of the release of a hazardous substance at the site in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer upon knowledge of any release or threatened release of any hazardous material at or in the vicinity of the permit area which may be harmful to public health or welfare or which may adversely affect natural resources under the management of the United States.

2. Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either on site or in connection with the holder's activities, whether or not those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service free and clear of contamination.

H. CERTIFICATION UPON REVOCATION OR TERMINATION. If the holder uses or stores hazardous materials at the site, upon revocation or termination of this permit the holder shall provide the Forest Service with a report certified by a professional or professionals acceptable to the Forest Service that the site covered by this permit is uncontaminated by the presence of hazardous materials and that there has not been a release or discharge of hazardous materials upon the site, into surface water at or near the site, or into groundwater below the site during the term of the permit. This certification requirement may be waived by the authorized officer when the Forest Service determines that the risks posed by the hazardous material are minimal. If a release or discharge has occurred, the professional or professionals shall document and certify that the release or discharge has been fully remediated and that the site is in compliance with all federal, state, and local laws and regulations.

VI. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION. The authorized officer may revoke or suspend this permit in whole or in part:

1. For noncompliance with federal, state, or local laws and regulations;
2. For noncompliance with the terms of this permit;
3. For failure of the holder to exercise the privileges granted by this permit;
4. With the consent of the holder; or
5. At the discretion of the authorized officer, for specific and compelling reasons in the public interest.

B. REVOCATION BASED ON PERFORMANCE RATING. If the holder receives an annual rating of

unacceptable based on deficiencies identified but uncorrected in a mid-season review and evaluation, the Forest Service shall revoke this permit or, if it is about to expire, shall allow it to terminate.

C. NOTICE AND OPPORTUNITY TO TAKE CORRECTIVE ACTION. Prior to revocation or suspension under clause VI.A or VI.B, the authorized officer shall give the holder written notice of the grounds for the action to be taken. For purposes of revocation under clause VI.B, written notice must be given to the holder after the mid-season review and evaluation that if the identified deficiencies are not corrected, they will result in an annual rating of unacceptable, which in turn will result in revocation of the permit. Prior to revocation or suspension under clause VI.A.1, 2, or 3 or revocation under clause VI.B, the authorized officer also shall give the holder a reasonable period, not to exceed 30 days, to complete corrective action prescribed by the authorized officer. The period between the mid-season review and evaluation and the annual rating shall constitute adequate opportunity to take corrective action for purposes of revocation under clause VI.B.

D. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision must be in writing. Within 48 hours of the request of the holder, the superior of the authorized officer shall arrange for an on-the-ground review of the adverse conditions with the holder. Following this review, the superior shall take prompt action to affirm, modify, or cancel the suspension.

E. APPEALS AND REMEDIES. Any written decisions by the authorized officer relating to administration of this permit, including annual ratings of probationary and unacceptable and revocation or suspension decisions, are subject to the administrative appeal regulations at 36 CFR Part 251, Subpart C, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

F. TERMINATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and termination upon change of control of the business entity. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.

G. REMOVAL OF TEMPORARY IMPROVEMENTS. Upon revocation or termination of this permit, the holder shall remove within a reasonable time prescribed by the authorized officer all temporary improvements, except those owned by the United States, and shall restore the site. If the holder fails to remove all temporary improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VII. MISCELLANEOUS PROVISIONS

A. ADVERTISING. The holder shall not misrepresent in any way, either orally, in its circulars, brochures, advertising, and other materials, or on its website, signs, or letterheads, any aspect of the use authorized by this permit, including services provided by the holder, the status of this permit, or the area it covers. All of the holder's circulars, brochures, and advertising and its website regarding use of the permit area shall state that the permit area is located in the Tongass National Forest.

B. CURRENT ADDRESSES. The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for payment of fees.

C. SERVICES NOT PROVIDED. This permit does not provide for the furnishing of road or trail maintenance, water, fire protection, search and rescue, or any other service by a government agency, utility, association, or individual.

D. MEMBERS OF CONGRESS. No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general

benefit to a corporation.

F. SUPERIOR CLAUSES. In the event of any conflict between any of the preceding printed clauses and any subsequent clauses or any provisions in the appendices attached to this permit, the preceding printed clauses shall control.

G. Conduct (R10-B101). In general, the holder is expected to behave in a professional demeanor regarding their interactions with the Forest Service, other agencies, their peer group, and the people they serve. Disorderly or objectionable conduct by the Holder, (or those occupying the premises with holder's permission) may be cause for termination of this authorization. The authorized officer shall determine whether or not "proof of disorderly conduct" is sufficient to warrant termination of the authorization.

H. Emergency Rescue (R10-B102). In the event of rescue and evacuation involving the holder, and/or agents, employees, and/or clients engaged in or conducting the activities authorized herein, the United States shall not be responsible for the costs of such rescue and evacuation, or associated aid and treatment.

I. Archaeological-Paleontological Discoveries (R10-X106).

Items of historic, prehistoric, or paleontological value are protected under various Federal laws, including the Antiquities Act of 1906 (16 U.S.C. 433), the Archaeological Resource Protection Act of 1979 (16 U.S.C. 47033) as amended, and Federal regulations. If historic, prehistoric, or paleontological objects or sites are discovered during activities under this permit, the holder is responsible for assuring that those objects or sites are not disturbed during the course of the activities of the holder or the holder's clients. The holder must notify the Forest Service of such discovery at the earliest opportunity. Failure to comply with this clause may result in criminal prosecution of the holder for violation of a Federal law or regulation.

This permit is accepted subject to all its terms and conditions.

HOLDER: xxxxxxxxxxxxxxxxxxxx	U.S. DEPARTMENT OF AGRICULTURE Forest Service
By: (Holder or Holder's Agent)	By: (Authorized Officer)
Date: 	Date:

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

APPENDIX C

2013 OUTFITTER/GUIDE ANNUAL OPERATING PLAN

Ketchikan - Misty Fiords Ranger District
Tongass National Forest

1. OFFICIAL TITLE OF OPERATION (legal entity and business name used, if any)

2. OWNER(S) AND MANAGER

Name	
Address	
Phone	
Cell	
Fax	
Email	

3. DESCRIPTION OF SERVICES PROVIDED TO THE PUBLIC AND ITINERARY FOR 2013 SEASON

Guide Use Area / Specific Location	Trip Dates or Operating Season	Activity Authorized	Maximum # of Clients / Tour	Maximum # of Clients / Year

*Actual locations authorized may be listed on the face of the permit

Complimentary trips may be conducted for legitimate purposes, but service days will be charged. A gratuity policy must be included in this operating plan before fees can be waived. Permit holder must document each such trip in the Actual Use Report. A written justification will be requested by the Forest Officer.

4. NAMES, QUALIFICATIONS, AND TRAINING OF ALL GUIDES CONDUCTING TOURS

Names	Qualifications/Licenses	Training

Outfitters and guides will provide high-quality services to their clients. Guides will be experienced in conducting trips in the subject areas, and will have personal knowledge of the area and its features. Guides will point out features of the Southeast Alaska environment and **guests will be informed that they are touring on National Forest System lands**. Outfitters and guides should help increase public understanding and appreciation of the Forest Service's role in providing resource protection and recreation opportunities.

5. PHYSICAL DESCRIPTION OF BOATS/VEHICLES/PLANES TO BE USED

Include license plate numbers, boat I.D. numbers/names, etc.

6. GENERAL SAFETY PLAN

a. List all hazards involved in your proposed use and identify your procedures to insure public safety.

b. Emergency equipment to be used:

The trip equipment will include a First Aid Kit appropriate to the group size; it will be readily accessible in the field at all times.

c. Rescue procedures planned in the event of an accident:

d. Incident reporting procedures:

Any incidents resulting in inadvertent violation of the Special Use Permit or Annual Operating Plan, any personal injury requiring a physician's attention, any evacuation, and/or any property damage over \$100 must be reported to the Forest Service within 10 days of occurrence.

7. FIRE PREVENTION/SUPPRESSION PLANNED

Select appropriate campfire sites and have the necessary fire fighting equipment on hand. In wilderness and whenever possible, all campfires will be built below high tide as mound

fires (Leave No Trace technique), or in firepans. Every campfire will be put dead-out before leaving it. No campfire rings will be built, and after use all ashes will be scattered when safe to do so. Clients will be advised of proper disposal of all smoking materials.

8. PLANNED ENVIRONMENTAL PROTECTION

Outfitters and guides will incorporate Leave No Trace (LNT) methods for all activities on National Forest System lands, including trash disposal, personal waste disposal, and campfire use. Food and gear brought by guides and their clients will be secured in a manner as to not attract bears and other wildlife. Outfitter and guide groups will not harass or feed wildlife, and will be considerate of other user groups. LNT principles and techniques will be discussed with all employees and clients. For more information about Alaska's Region-specific guidelines for LNT, visit http://www.fs.usda.gov/detail/r10/recreation/safety-ethics/?cid=fsbdev2_038794.

Bald Eagles: Maintain a 330 foot (100 meter) distance between guided activities that will be visible or audible from an occupied bald eagle nest. Camping is prohibited within 330 feet of bald eagle nests. Bald eagles commonly nest along the Southeast Alaska shoreline (forest fringe) and are particularly sensitive to disturbance during the nesting and courtship period (approximately February through mid-September). The above stipulations follow the National Bald Eagle Management Guidelines and management guidelines in the Tongass Forest Plan.

Swan, Waterfowl, Seabirds, and Shorebirds (including Heron): Estuaries / grassy flats are important habitats for waterfowl, including trumpeter swans. Avoid disturbing swans, seabird rookeries, waterfowl, and shorebirds. Maintain a minimum distance of 330 feet (100 meters) between guided group activity and areas being used by swans and other waterfowl. Outfitters and guides will also avoid disturbing black oystercatchers and their nests. Report any nesting black oystercatchers, swans and heron rookeries to your permit administrator within 48 hours of the end of your trip.

Goshawks and Other Raptors (including Osprey and Peregrine Falcon): Maintain a 600-foot distance between guided activities and known goshawk nests. Maintain a 330-foot distance from osprey nests. Prevent disturbance within 2 miles of peregrine falcon nests. Increase distance if birds show signs of agitation. Report goshawks, peregrine falcons, and raptor nest sightings to your permit administrator within 48 hours of the end of your trip. There are few documented sightings or nest records for these species on the KMRD; maintaining sufficient distances and minimizing disturbance to nesting raptors and herons helps minimize the risk of nest abandonment.

Goats: Mountain goats are present in subalpine/alpine habitats and are particularly sensitive to disturbance during the winter through the kidding season (approximately June 15). Aircraft should maintain a 1,500 meter to 2 kilometer (app. 5,000 – 6,500 ft) horizontal distance and a minimum 500 meter (1,640 ft) vertical distance from goats. Limit other activities in subalpine/alpine ecosystem and avoid approaching or conducting activities that elicit fright or flight behavior in goats (e.g. nervous glancing around, walking, and running).

Bears: Outfitters/guides will maintain a 500-foot distance from estuarine grass flats along lake inlets and outlets when bears are present. **Outfitters/guides will minimize disturbance to bears and are prohibited from approaching, chasing, or buzzing bears with vehicles, off-highway vehicles, aircraft, or boats.**

Marine Mammals: Outfitters and guides will comply with the National Marine Fisheries Service Marine Mammal Viewing Guidelines and Regulations (<http://www.fakr.noaa.gov/protectedresources/mmv/guide.htm>).

Beach Meadows: Along the shoreline, groups are encouraged to camp on hardened surfaces. Outfitter/guides will not establish camps in beach meadows. When walking through these areas, guided groups will stay on existing paths and game trails to avoid trampling or damaging vegetation.

Alpine / Subalpine Areas: At high elevations, guided groups are encouraged to camp on hardened surfaces. Outfitters and guide will not use the same alpine / subalpine campsite more than once per year.

Invasive Plant Species:

- Weed-Free Vehicles: Vehicles and off-road vehicles used at remote recreation sites will be washed clean of invasive plant seed or vegetative material prior to transport.
- Weed-Free Travel: Vehicles and off-road vehicles used at remote recreation sites will be restricted to driving on designated Forest Service road systems and parking in designated areas. No parking or driving off-road is authorized.

Aquatic Invasive Species:

- Waders and wading boots not provided by permit holder will be disinfected prior to use. Effective methods of disinfection include soaking gear in 10% bleach solution for 10 minutes or freezing overnight. Waders provided by permit holder will be disinfected at the beginning of the season and following any use off the Ketchikan-Misty Fiords RD.

Karst / Cave Resources: Outfitters/guides will protect karst and cave resources as required by the Federal Cave Resource Protection Act (FCRPA). Cave use is not permitted without an approved Cave Protection Plan.

9. WILDERNESS

This special use permit authorizes operating in the following Wilderness units on the Tongass National Forest:

- Misty Fiords National Monument Wilderness

Within wilderness, no more than two groups of 12 people or less (including guides) from a single vessel or other means of transport or access are allowed. No more than 24 individuals from a vessel may use a specific wilderness in a single day. These groups are required to disperse out of sight and sound from each other when using National Forest System lands to minimize impacts to a specific site or other visitors.

Wilderness outfitter/guides are expected to:

..... Provide some understanding of how the Wilderness Act of 1964 and the Alaska National Interest Lands Conservation Act of 1980 affect management of the wilderness areas on the Tongass National Forest for clients. Examples of how wilderness is managed differently than other National Forest Lands should be a part of the message.

..... Interpret natural processes, historic and cultural facts, and wilderness ethics for clients. Encourage clients to seek more information by having reading materials either in the field, accessible in the place of business, or available by reference. Also, natural conditions and processes are allowed to shape clients' experience, rather than providing only for the ease and convenience of the clients.

Describe below how you will inform your clients about wilderness values and Leave No Trace skills:

10. TONGASS-WIDE STIPULATIONS

A copy of the permit (along with the Annual Operating Plan, maps, amendments, and attachments) must be with the permit holder, or accessible to holder's employees, at all times while operating on National Forest System lands.

Suspected unauthorized outfitter & guide activities will be promptly reported to the Ketchikan-Misty Fiords Ranger District, including as much documentation as possible (e.g., digital pictures, vessel or aircraft information).

Actual use must be reported on the form provided and include the latitude/longitude for each location visited. Illegible and/or incomplete reports may be returned to the holder for corrections. ***The actual use report is due by November 1 of each year.***

Land ownership is mixed and it is the responsibility of the permit holder to determine ownership and obtain proper authorization for use of private, native, and/or local government-held lands.

Outfitters and guides are not authorized to use Forest Service public recreation cabins or their amenities (e.g. skiff, firewood, outhouse, fire rings) unless specifically authorized in the special use permit. Outfitter and guide camps are prohibited within one mile of any public recreation cabin, unless specifically authorized by the special use permit.

Plant species shall not be collected without a Forest Products Permit. Sightings of listed sensitive plants should be reported to the Forest Service. The sensitive plant list can be found at http://fswweb.r10.fs.fed.us/staffs/wfew/index_wfew.shtml.

11. KETCHIKAN-MISTY FIORDS RANGER DISTRICT (KMRD) STIPULATIONS

Group size is limited to 12 (including guides) in areas within the Wild River Land Use Designation (e.g. MacDonald Lake/Wolverine Creek, Fish Creek, Orchard Creek/Orchard Lake). Group size is limited to 16 (not including the guide) on all other non-wilderness portions of the KMRD, unless a larger group size is specifically authorized in the special use permit.

Outfitter and guide use of a permitted area is not exclusive and will not preclude public use or access. Outfitter and guide activities shall not interfere with subsistence resource users or disrupt subsistence resource gathering activities.

Use Area	Stipulation(s)
01 West Misty	No guided use authorized at Low Lake / Big Lake Trail or Gokachin Trail on weekends or State or federal holidays.
03 South Misty	Outfitter and guides will report illegal structures and trash deposits found in this area.
04 Duke Island	No guided use authorized in this Use Area.
06 Misty Core Lakes	<p>Lakes with public recreation cabins on them (including Manzanita, Ella, Winstanley, Upper Checats, and Wilson Lakes) are not authorized for floatplane landing tours.</p> <p>Shoreline use in conjunction with floatplane landing tours is not authorized unless this activity, and the locations used, are specifically identified on the special use permit and operating plan. Shoreline excursions will not exceed 30 minutes.</p> <p>Outfitters and guides will conduct flightseeing landings in a manner that minimizes noise impacts to other visitors.</p>
08 Burroughs/Unuk	Land ownership on the Unuk and Eulachon Rivers is mixed and the area is important for subsistence hunting of moose. Outfitters and guides will conduct operations so as to minimize conflicts with private land owners and unguided visitors and hunters.
10 Rudyerd Winstanley	Guided groups are not authorized to camp within ½-mile of the Winstanley Island public recreation cabin. Camping is available on the northern end of Winstanley Island in Shoalwater Pass.
11 Gravina Island	No guided use authorized in this Use Area.
12 Bell Island	<p>Bailey Bay/Shelokum Hot Springs & Lake Shelokum Trail</p> <ul style="list-style-type: none"> • No guided use authorized on weekends and State or federal holidays. • Overnight use limited to two consecutive (weekday) nights. • Guided groups will limit their amount of time in the hotsprings when other visitors are waiting.
13 East Cleveland	No guided use authorized between Helm Point and Camaano Point.
16 Ketchikan Core SPNW	Wolf Lake Trailhead (Moser Bay) is on Non-national Forest System lands. Permission from the private landowner is required prior to accessing this trail from saltwater.
17 George Carroll Thorne	<p>Outfitters and guides are not authorized to use the Fish Creek public recreation cabin or associated facilities (outhouse, fire ring, firewood, and buoy) or to camp within 1-mile of the cabin.</p> <p>No outfitter and guide use authorized on the Low Lake/Big Lake Trail or Gokachin Trail on weekends or State and federal holidays.</p>
18 Central Revilla SPNW	Outfitters and guides accessing Patching Lake via floatplane will avoid flying over the Naha River drainage to minimize noise impacts in this popular area.
21 Percy Hotspur Mary	No guided use authorized in this Use Area.
22 Hyder NA	<p>With the exception of Fish Creek Wildlife Observation Site, guided tours in this Use Area will only be authorized between 0800 and 1800.</p> <p>Fish Creek Wildlife Observation Site & Titan Trail</p> <ul style="list-style-type: none"> • All visitors and guides will remain on Forest Service developments, including constructed and maintained roads, trails, and the viewing platform. • Outfitter/guides will include bear safety education in their safety briefings. Information provided will include basic bear biology and behavior, how to avoid confrontations, viewing distances, and what to do in case of an encounter.
23 Betton Island	This area is very popular with local residents and receives a high amount of guided use. Guided use is only authorized at two locations on the northwestern side of the Island - Betton Island Trail and Betton Island Point.

	No guided use is authorized on Tatoosh, Back, Hump, Pup, Grant, Stack, Moser, Cache, and Cedar Islands.
24 Ketchikan Core NA	<p>Guided use of the Ward Lake Day Use Area and developed campgrounds will generally not be authorized.</p> <p>No guided camping or hiking is permitted on the following Ketchikan area-trails: Deer Mountain, Dude Mountain, Frog Pond, Minerva Mountain, Perseverance, Pipeline, Salvage Road, Silvis Lakes, and Ward Lake Trails.</p> <p>Guided group size will not exceed twelve (not including the guide).</p> <p>Guided use in this Use Area is only authorized between 8:00 AM and 6:00 PM.</p>
27 Margaret Bay	<p>Margaret Creek Wildlife Observation Site</p> <ul style="list-style-type: none"> • Outfitter/guides will include bear safety education in their safety briefings. Information provided will include basic bear biology and behavior, how to avoid confrontations, viewing distances, and what to do in case of an encounter. • All visitors and guides will remain on Forest Service developments, including constructed and maintained roads, trails, and the viewing platform. • Vehicles used by outfitters and guides are only permitted on FS road 8000495 and FS Road 8000000 as identified in the Motor Vehicle Use Map (http://www.fs.fed.us/r10/tongass/MVUM/KetchikanMisty_RD_2012.pdf). Use of FS Road 8040000 (accessing “the lower bridge”) is not authorized. Vehicles will stay on established travel routes and pull-out areas at all times to avoid the spread of non-native species. • Air carriers will avoid buzzing the Margaret Creek drainage. • Guided use is only authorized between the hours of 0800 and 1800. • Group size is limited to 12 persons at one time (not including guides). • Vehicles will not block the roadway and/or trailhead to vehicle and pedestrian traffic. • No food will be brought to the viewing area. Food will remain in the airplane or vehicle. • Use of the dock is non-exclusive. Operators must have a guide with their clients at all times and pilots will remain with their planes during tours. • Guided hunting is prohibited in the Margaret Bay Use Area.
28 Naha Bay	No guided use authorized in this Use Area.

12. PROMOTIONAL MATERIALS

Attach a copy of all pamphlets and promotional materials related to your operation on National Forest lands. The fact that the permitted area is located on the Tongass National Forest shall be made apparent in all of the holder's brochures, web sites, and advertising.

13. FOREST SERVICE CONTACT

Reid Parker (Recreation / Special Uses)
Ketchikan - Misty Fiords Ranger District
3031 Tongass Ave., Ketchikan, AK 99901
(907) 228-4108
Fax (907) 225-8738
rparker@fs.fed.us

Accepted By:

Permit Holder _____ Date _____

Authorized Officer _____ Date _____
District Ranger

APPENDIX D

USDA Forest Service

R10-2700-16 (1/99)

ALASKA REGION OUTFITTER/GUIDE PERFORMANCE EVALUATION

Midyear Evaluation 2012 Annual Evaluation (circle one)

This evaluation to be done on each permit holder. This evaluation is to be presented to the holder of the special use permit or transmitted by cover letter shortly after completion of the evaluation.

Name of Holder: _____

District/Monument: Ketchikan-Misty Fiords RD Type of Operation: _____

Circle Appropriate Responses:

Holder Representative Present: Yes No Camp in Operation: Yes No

Evaluation:

A - Acceptable; **UN** - Unacceptable; **NI** - Needs Improvement; **NC** - Not Checked; **NA** - Not Applicable

A. Site:	A	UN	NI	NC	NA
1. All improvements are authorized by permit, location and development as authorized.					
2. Clean up and sanitation in accordance with permit.					

Comments:

B. Permit Compliance:	A	UN	NI	NC	NA
1. Compliance with terms of permit and operating plan.					
2. Insurance submitted on time and complete.					
3. Signed permit submitted on time and complete.					
4. Payments received by due date.					
5. Holder submitted/dated/corrected operating plan.					
6. Actual use reports completed and submitted on time.					
7. Compliance with Federal, State, Borough, laws and regulations					
8. Compliance with Title VI, Nondiscrimination					
9. Holders advertising refers to use on National Forest lands					

Comments:

C. Public Service:	A	UN	NI	NC	NA
1. Number and qualifications of employees meets permit specifications.					
2. Clients provided with health and safety standards as provided in the approved operating plan/safety plan.					
3. Equipment provided meets health and safety standards as required in the approved operating plan.					
4. Rates, services, and/or accommodations provided as submitted in the approved operating plan					

Comments:

Tally of comments received from clients/Public: 0 Positive comments 0 Negative Comments

I accompanied a tour during summer 2012. Guides we quite knowledgeable and all safety procedures were followed.

Evaluator(s) _____ Date _____

Prior Performance (if applicable):

Are items from last performance evaluation corrected? Yes No (circle one)

Comments and/or Corrective Action Needed:

Mid Season Rating: Acceptable Probationary Unacceptable **(circle one)**

Annual Rating: Acceptable Probationary Unacceptable **(circle one)**

The annual rating is subject to appeal under 36 CFR 251 Subpart C. The District/Monument Ranger is willing to meet with the holder to discuss any concerns, or issues related to this evaluation. Any appeal and a statement of reasons must be submitted to the Forest Supervisor at Federal Building, Ketchikan, AK 99901 within 45 days of the date of the annual rating.

Comments on Rating (Space is available for Forest Service and Holders comments):

District/Monument Ranger: _____ Date _____

Holder: _____ Date _____

APPENDIX E

FINANCIAL STATEMENT

(Ref. 36 CFR 223.7(e), 36 CFR 251.54(e)(2), Federal Acquisition Regulation 48 CFR 9.104-1.)

INSTRUCTIONS: Forest Service (FS) requires the respondent to provide the most recent fiscal year financial statement. FS may also request the respondent to provide two additional years of financial data, on a case by case basis. If more space is needed to fully answer any item below, attach additional sheets.

1. NAME OF CORPORATION, PARTNERSHIP, OR PROPRIETORSHIP (include any names the organization/firm operated under during past three years and specify the year operated for each name):

2. STATE
INCORPORATED

3. DATE INCORPORATED

4. ADDRESS OF PRINCIPAL PLACE OF BUSINESS (*with
ZIP CODE*)

5. IF PARTNERSHIP, NAMES OR PARTNERS, AND THEIR PARTNERSHIP INTERESTS

6. NAMES, TITLES, AND ADDRESSES OF CORPORATE OFFICERS AND DIRECTORS, WITH NUMBER OF SHARES OF STOCK OWNED BY EACH

FULL NAME	TITLE	ADDRESS (Number, Street, City, State, and ZIP CODE)	SHARES OWNED

7. REFERENCES (At least three should be given, preferable banks):

Full Name	ADDRESS (Number, Street, City, State, and ZIP CODE)

NOTE: Respondents may submit certified financial statements in lieu of answering PARTS A through C on the next pages. However, respondents must complete either certification statement PART D (1) or PART D (2) at the bottom of the last page.

PART A. BALANCE SHEET			
	CURRENT YEAR (MM/DD/YYYY)	PAST YEAR (MM/DD/YYYY)	THIRD YEAR (MM/DD/YYYY)
YEAR ENDED			
ASSETS			
CURRENT ASSETS:			
CASH			
RECEIVABLES-TRADE			
LESS ALLOWANCES FOR DOUBTFUL ACCOUNTS	< >	< >	< >
INVENTORIES (LIST MAJOR CATEGORIES):			
SUPPLIES AND MISCELLANEOUS			
MARKETABLE SECURITIES			
PREPAID EXPENSES			
SUPPLIES INVENTORY			
OTHER CURRENT ASSETS:			
TOTAL CURRENT ASSETS			
FIXED ASSETS:			
LAND			
BUILDINGS			
MACHINERY AND EQUIPMENT			
PLANT			
LEASEHOLD IMPROVEMENTS			
OTHER			
LESS ALLOWANCE FOR DEPRECIATION	< >	< >	< >
BOOK VALUE-FIXED ASSETS			

OTHER ASSETS:			
DEPOSITS-CASH			
DEPOSITS-SECURITIES			
TOTAL-OTHER ASSETS			
TOTAL ASSETS			

LIABILITIES AND OWNER EQUITY	CURRENT YEAR	PAST YEAR	THIRD YEAR
CURRENT LIABILITIES:			
ACCOUNTS PAYABLE-TRADE			
ACCRUED PAYROLL			
ACCRUED PAYROLL TAXES AND INSURANCE			
NOTES PAYABLE			
INCOME TAXES-CURRENT			
OTHER TAXES			
CURRENT PORTION OF LONG-TERM DEBT			
OTHER CURRENT LIABILITIES (SPECIFY):			
TOTAL CURRENT LIABILITIES			
OTHER LIABILITIES:			
DEFERRED INCOME TAXES			
LOANS FROM OFFICERS/PARTNERS			
LONG-TERM OBLIGATIONS-LESS CURRENT AMOUNT			
TOTAL OTHER LIABILITIES			
TOTAL LIABILITIES			
OWNER EQUITY:			
CAPITAL STOCK OUTSTANDING			
RETAINED EARNINGS (DEFICIT)			
PARTNERS' INVESTMENT (DEFICIT)			
TOTAL OWNER EQUITY			
TOTAL LIABILITIES AND OWNER EQUITY			

PART B. SUPPLEMENTAL DATA			
THIS STATEMENT IS ON THE-CASH BASIS _____ ACCRUAL BASIS _____			
INVENTORIES ARE-LIFO _____ FIFO _____ COST OR MARKET WHICHEVER IS LOWER _____			
NAMES OF CONTRACTORS OR SUB-CONTRACTORS USED (IF ANY):			
PART C. INCOME STATEMENT			
	CURRENT YEAR	PAST YEAR	THIRD YEAR
GROSS SALES			
LESS-RETURNS AND ALLOWANCES	< >	< >	< >
NET SALES			
LESS-COST OF GOODS SOLD	< >	< >	< >
GROSS PROFIT ON SALES			
LESS-SELLING EXPENSE	< >	< >	< >
NET PROFIT (LOSS) ON SALES			
GENERAL EXPENSE:			
OFFICERS SALERIES			
LEGAL AND OTHER PROFESSIONAL EXPENSE			
OFFICE EXPENSE			
TOTAL GENERAL EXPENSE			
NET OPERATING PROFIT (LOSS)			
ADD-OTHER INCOME			
LESS-INTEREST EXPENSE			
INCOME TAXES	< >	< >	< >
OTHER EXPENSE	< >	< >	< >
NET AMOUNT OF OTHER INCOME AND EXPENSE	< >	< >	< >
NET PROFIT (LOSS) FOR YEAR			
NOTE: Offers must set forth full, accurate, and complete information as required in this Financial Statement (including any attachments). The penalty for making false statements in this Financial Statement is prescribed in 18 U.S.C. 1001.			

PART D (1): CERTIFICATION FOR CORPORATIONS OR PARTNERSHIPS

We, the undersigned, general officers (or members) of

(insert name of corporation or partnership) being severally sworn, each declares that the above or attached financial statements are true and correct, and that it covers all of the financial affairs of said company (or) firm up to and including the date of (Month day, year)

CERTIFYING OFFICIAL'S NAME AND TITLE	SIGNATURE (Sign in ink)	DATE
CERTIFYING OFFICIAL'S NAME AND TITLE	SIGNATURE (Sign in ink)	DATE
SWORN TO AND SUBSCRIBED before me this day of (Month/Year)		(Affix Notary Seal)
SIGNATURE	TITLE	

PART D (2). CERTIFICATION FOR INDIVIDUALS

I swear (or affirm) that the above or attached financial statements are true and correct to the best of my knowledge.

INDIVIDUAL'S NAME AND TITLE	SIGNATURE (Sign in ink)	DATE
SWORN TO AND SUBSCRIBED before me this day of (Month/Year)		(Affix Notary Seal)
SIGNATURE	TITLE	

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 975-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

U.S. GPO: 1996-720-508

APPENDIX F

FS-2700-26 (v.05/09)
USDA Forest Service
OMB No. 0596-0082
Exp. (10/31/2012)

CATEGORY 6 MAJOR COST RECOVERY AGREEMENT

Between

USDA Forest Service, Tongass National
Forest, and _____

This agreement is entered into between the UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, Tongass National Forest (the Forest Service), and _____ (the applicant) under 36 CFR 251.58.

A. RECITALS

1. On _____, the Forest Service accepted the applicant's application for use and occupancy of National Forest System lands (hereinafter "the application"), which is enumerated in Appendix A. The Forest Service shall assess the applicant a cost recovery fee for the agency's costs to process the application.
2. The Forest Service has determined that the fee for processing the application falls within category 6 under the applicable Forest Service processing fee schedule and/or that the fee for monitoring the applicant's special use authorization falls within category 6 under the applicable Forest Service monitoring fee schedule.
3. The geographic area to be covered by this agreement is the Margaret Creek Wildlife Observation Site. See Appendix B.
4. The application has been submitted or the applicant's special use authorization is being issued under an authority other than the Mineral Leasing Act, and the applicant has not waived payment of reasonable costs. Therefore, the Forest Service is entitled to recover its full reasonable costs incurred in processing the application or monitoring the authorization.
5. Payment of a processing fee by the applicant does not obligate the Forest Service to authorize the applicant's proposed use and occupancy. If the application is denied or withdrawn in writing, the applicant is responsible for costs incurred by the Forest Service in processing the application up to and including the date the agency denies the application or receives written notice of the applicant's withdrawal. If the applicant withdraws the application, the applicant also is responsible for any costs subsequently incurred by the Forest Service in terminating consideration of the application.
6. The Forest Service shall determine the appropriate level of environmental analysis for the application and inform the applicant prior to initiating the environmental analysis. **N/A- Environmental analysis has been completed as part of the 2012 Ketchikan-Misty Fiords Outfitter and Guide Management Plan.**
7. Information associated with this agreement may be released to the public in accordance with the provisions of the Freedom of Information Act and Privacy Act.

PART I – PROCESSING FEES

B. BASIS FOR PROCESSING FEES

Processing fees for the application are based upon the direct and indirect costs that the Forest Service incurs in reviewing the application, conducting environmental analyses of the effects of the proposed use, reviewing any applicant-generated environmental documents and studies, conducting site visits, evaluating the applicant's technical and financial qualifications, making a decision on whether to issue the authorization, and preparing documentation of analyses, decisions, and authorizations for the application. The processing fee

for the application shall be based only on costs that are necessary for processing the application. "Necessary for" means that but for the application, the costs would not have been incurred. The processing fee shall not include costs for studies for programmatic planning or analysis or other agency management objectives, unless they are necessary for processing the application. Proportional costs for analyses, such as capacity studies, that are necessary for the application may be included in the processing fee.

C. AGREEMENT

In consideration of the foregoing, the parties agree as follows:

1. Scope of Work. The Forest Service shall develop a scope of work for processing the application and an estimate of the agency's costs to process the application, which will be incorporated into this agreement as Appendix C. This scope of work shall report direct costs in categories that correspond to those in the agency's accounting system, e.g., job code, personnel compensation based upon the cost to the government (salary and benefits), travel, and other direct services, materials, and supplies. In addition, the estimate of the agency's processing costs shall include the agency's indirect costs based upon the approved annual indirect cost rate. Classification of costs as direct or indirect shall be in accordance with the published Forest Service budget for the applicable fiscal year.

2. Environmental Analysis. The Forest Service shall supervise the preparation of the environmental analysis associated with the application in compliance with applicable legal requirements, including public review of the analysis, analysis of public comments, and decision documentation. In exercising this responsibility, the Forest Service shall endeavor to foster cooperation among other agencies involved in the process, and to integrate National Environmental Policy Act requirements and other environmental review and consultation requirements to avoid, to the fullest extent possible, duplication of efforts by those agencies.

However, the Forest Service shall not delegate to any other agency its authority over the scope and content of the environmental analysis, or approval or denial of the application. **N/A- Environmental analysis has been completed as part of the 2012 Ketchikan-Misty Fiords Outfitter and Guide Management Plan.**

3. Billing. The Forest Service shall bill the applicant prior to commencement of work. The applicant agrees to pay the estimated processing fee of \$__. The bill for the estimated processing fee is attached.

4. Payment. The applicant shall pay the estimated processing fee within 30 days of the date the bill for the fee is issued. The Forest Service shall not initiate processing the application until the estimated processing fee is paid.

If the applicant fails to pay the estimated processing fee or the fee is late, the Forest Service shall cease processing the application until the fee is paid.

5. Statement of Costs. The Forest Service shall, upon completion of the project, report costs incurred for processing the application by providing a financial statement from the agency's accounting system to the applicant.

6. Underpayment. When the estimated processing fee is lower than the full actual costs of processing an application submitted under the Mineral Leasing Act, or lower than the full reasonable costs (when the applicant has not waived payment of reasonable costs) of processing an application submitted under other authorities, the applicant shall pay the difference between the estimated and full actual or reasonable processing costs within 30 days of billing.

7. Overpayment. If payment of the processing fee exceeds the full actual costs of processing an application submitted under the Mineral Leasing Act, or the full reasonable costs (when the applicant has not waived payment of reasonable costs) of processing an application submitted under other authorities, the Forest Service shall either (a) refund the excess payment to the applicant or (b) at the applicant's request, credit it towards monitoring fees due.

8. Disputes

a. If the applicant disagrees with the estimated dollar amount of the processing costs, the applicant may submit a written request before the disputed fee is due for substitution of alternative estimated costs to the immediate supervisor of the authorized officer who determined the estimated costs. The written request must include supporting documentation.

b. If the applicant pays the full disputed processing fee, the Forest Service shall continue to process the application during the supervisory officer's review of the disputed fee, unless the applicant requests that the application processing cease.

c. If the applicant fails to pay the full disputed processing fee, the Forest Service shall suspend further processing of the application pending the supervisory officer's determination of an appropriate processing fee and the applicant's payment of that fee.

d. The authorized officer's immediate supervisor shall render a decision on a disputed processing fee within 30 calendar days of receipt of the written request from the applicant. The supervisory officer's decision is the final level of administrative review. The dispute shall be decided in favor of the applicant if the supervisory officer does not respond to the written request within 30 days of receipt.

9. Lack of Administrative Appeal. A decision by an authorized officer to assess a processing fee or to determine the estimated costs is not subject to administrative appeal. A decision by an authorized officer's immediate supervisor in response to a request for substitution of alternative estimated costs likewise is not subject to administrative appeal.

10. Amendment. Modifications to this agreement shall be made in writing and shall be signed and dated by both parties.

11. Expiration and Termination. This agreement expires on _____. Either party, in writing, may terminate this agreement in whole or in part at any time before it expires. The applicant is responsible for all Forest Service costs covered by this agreement that are incurred up to the date of expiration or termination.

12. Principal Point of Contact. The Forest Service and the applicant shall each establish a principal point of contact for purposes of this agreement.

The Forest Service's contact is _____.

The applicant's contact is _____.

This agreement is accepted subject to all terms and conditions.

[name of applicant]
[title of applicant]

Date

Jeffrey DeFreest
District Ranger USDA, Forest Service

Date

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